

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

NEW VIRGINIA MAJORITY EDUCATION
FUND; VIRGINIA CIVIC ENGAGEMENT
TABLE; LEAGUE OF WOMEN VOTERS OF
VIRGINIA,

Plaintiffs,

v.

VIRGINIA DEPARTMENT OF ELECTIONS;
VIRGINIA STATE BOARD OF ELECTIONS;
ROBERT H. BRINK, in his official capacity as
Chairman of the State Board of Elections;
JOHN O'BANNON, in his official capacity as
Vice Chair of the Board; CHRISTOPHER
PIPER, in his official capacity as Commissioner
of the Virginia Department of Elections; and
JAMILAH D. LECRUISE, in her official
capacity as Secretary of the Board,

Defendants.

Civil Action

Case No. 3:20-CV-801

**BRIEF IN RESPONSE TO PLAINTIFFS'
COMPLAINT**

Defendants agree with Plaintiffs that an order from this Court would vindicate the public interests of ensuring access to the voting booth and election integrity. The voter registration deadline in Virginia, as established by Virginia law, was Tuesday, October 13. *See* Va. Code § 24.2-416. Defendants acknowledge that on October 13, 2020, a fiber optic cable was severed that hindered service to Virginia voter registration websites. That service was restored prior to 4:00 p.m. that day.

Defendants recognize that the outage resulted in the inability of certain Virginians who attempted to register to vote to accomplish their registration. Virginia state law does not authorize Defendants to extend the deadline established by the Virginia Code for voter registration.

Plaintiffs brought suit against Defendants on October 13, 2018 to request a judicial

extension of the voter registration deadline in order to accommodate Virginia citizens who claim that their rights were violated when they were unable to register prior to the statutory deadline.

Defendants recognize the importance of access to the voting booth and would ask this Court to extend the voter registration deadline to October 15, 2020. Defendants would respectfully ask this Court to delay any consideration of further relief until such time as a hearing on the matter may be set.

MARK R. HERRING
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By: /s/ Carol L. Lewis
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CERTIFICATE OF SERVICE

I certify that on October 13, 2020, I served a copy of the foregoing Brief in Response to Plaintiffs' Complaint via filing with the Court's CM/ECF system, which sent copies of this document to Counsel of Record.

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